

EXHIBIT 1

(b) Every alien 101 (other than a nonimmigrant described in subparagraph (L) or (V) of section 101(a)(15), and other than a nonimmigrant described in any provision of section 101(a)(15)(H)(i) except subclause (b1) of such section) shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer, at the time of application for a visa, and the immigration officers, at the time of application for admission, that he is entitled to a nonimmigrant status under section 101(a)(15). An alien who is an officer or employee of any foreign government or of any international organization entitled to enjoy privileges, exemptions, and immunities under the International Organizations Immunities Act [22 U.S.C. 288, note], or an alien who is the attendant, servant, employee, or member of the immediate family of any such alien shall not be entitled to apply for or receive an immigrant visa, or to enter the United States as an immigrant unless he executes a written waiver in the same form and substance as is prescribed by section 247(b).

EXHIBIT 2

the status under which he was admitted, or to maintain any status subsequently acquired under section 248 of the Act, such alien will depart from the United States.

INA 291

Whenever any person makes application for a visa or any other document required for entry, or makes application for admission, or otherwise attempts to enter the United States, the burden of proof shall be upon such person to establish that he is eligible to receive such visa or such document, or is not inadmissible under any provision of this Act, and, if an alien, that he is entitled to the nonimmigrant: immigrant, special immigrant, immediate relative, or refugee status claimed, as the case may be. If such person fails to establish to the satisfaction of the consular officer that he is eligible to receive a visa or other document required for entry, no visa or other document required for entry shall be issued to such person, nor shall such person be admitted to the United States unless he establishes to the satisfaction of the Attorney General that he is not inadmissible under any provision of this Act. In any removal proceeding under chapter 4 against any person, the burden of proof shall be upon such person to show the time, place, and manner of his entry into the United States, but in presenting such proof he shall be entitled to the production of his visa or other entry document, if any, and of any other documents and records, not considered by the Attorney General to be confidential, pertaining to such entry in the custody of the Service. If such burden of proof is not sustained, such person shall be presumed to be in the United States in violation of law.

9 FAM 41.11 RELATED REGULATORY PROVISIONS

(CT:VISA-1280; 09-02-2009)

See 22 CFR 41.11

41.11 Entitlement to nonimmigrant status.

*(a) **Presumption of immigrant status and burden of proof.** An applicant for a nonimmigrant visa, other than an alien applying for a visa under INA 101(a)(15) (H)(i) or (L), shall be presumed to be an immigrant until the consular officer is satisfied that the alien is entitled to a nonimmigrant status described in INA 101(a)(15) or otherwise established by law or treaty. The burden of proof is upon the applicant to establish entitlement for nonimmigrant status and the type of nonimmigrant visa for which application is made.*

EXHIBIT 3

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July 8, 2010

Office of Information Programs and Services
A/GIA/IPS/RL
U.S. Department of State
SA-2
Washington, D.C. 20522-8100
BY FAX: 202-261-8579 and 1st-Class Mail

RE: FOIA/PA Request

Dear Sir or Madam:

Pursuant to both the Freedom of Information Act, 5 U.S.C. § 552, and the Privacy Act, 5 U.S.C. § 552(a), I seek access to and copies of all non-immigrant visa application forms (DS-156) which I personally had marked as "Denied under § 214(b) of the Immigration and Nationality Act" or words to that same effect as well as any and all documents relating to them which the U.S. Department of State and/or any of its constituent parts have in their possession, knowledge, or control and which the Department of State and/or any of its constituent parts have created, used, relied upon, or filed in any system of records, formal or informal. These documents include, but are not limited to, records made and/or held in whatever format was most conducive to their creation and maintenance. They include but are not limited to letters, notes, E-mails, memoranda, reports, whether hand-written, typed, or made and contained in any electrical or electronic format. These records had been created, for the most part, between September 1987 and March 1989. It is conceivable that some might have originated as early as January 1987 or after March 1989. If so, they are included in this request. The records had been stored in the Consular Section's file room at the American Consulate General in Jeddah, Saudi Arabia.

This query also includes the file of copies of visa application denials (on DS Form 156) reversed by order of Jay Philip Freres, American consul General. I had personally made copies of these records and placed them in a brown folder kept in the Consular Section at Jeddah.

In particular, I seek records created and disseminated on this subject, i.e., visa reversals, by the following individuals at the American Consulate General, Jeddah, Saudi Arabia: J. Michael Springmann, Chief of the Non-Immigrant Visa Section; Andrew (Andy) Weber, part-time Consular Officer; Justice Stevens, Chief of the Consular Section; Jay Phillip Freres, American Consul General; Henry Ensher, Political Officer; Karen Sasahara, Political Officer; Eric Qualkenbush, Chief, Political/Economic Section; Paul Arvid Tveit, Commercial Officer; and Charles Angulo, Administrative Officer. I also seek similar records created and disseminated

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by the following at the American Embassy in Riyadh, Saudi Arabia: Stephanie Smith, Counselor for Consular Affairs, her deputy, and any other consular or embassy officer. The documents relate directly to the reversal by Jay Philip Freres of visa applications I had refused. The records should say clearly that the refusal had been reversed or issued or words to that effect by Jay Philip Freres or some other variant of his name.

Please include in this Request all communications between and among the Department of State, the Defense Intelligence Agency (DIA), and the Central Intelligence Agency (CIA) regarding the visa process in Jeddah which were transmitted, created, used, relied upon, or filed in any system of records, formal or informal between January 1, 1987 and December 31, 1989.

These documents are most likely contained in the Consular Section, the Political/Economic Section, the Political Section, the Commercial Section, and the Consul General's Office of the American Consulate General, Jeddah, Saudi Arabia; the Consular Section of the American Embassy in Riyadh; the Bureau of Consular Affairs in Washington, D.C., the Bureau of Intelligence and Research at the State Department in Washington, D.C.; unknown locations at the DIA and CIA; and the Bureau of Diplomatic Security in Washington, D.C., and any personal or official filing cabinets, desks, collections of papers, or files held by Freres, Qualkenbush, Tveit, Weber, Sasahara, Ensher, Stevens, Angulo, and Smith.

If any of the records described in the above paragraphs have been shredded, burned, erased, eliminated, or destroyed in any manner, please describe such documents, the date they ceased to exist, and the names of the individuals who destroyed them.

If you determine that any portions of these documents requested are exempt under either of these statutes, I will expect you to release the non-exempt portions to me as the law requires. I, of course, reserve the right to appeal any decision to withhold information.

I promise to pay reasonable fees incurred in the copying of these documents up to the amount of \$25.00. If the estimated fees will be greater than that amount, please contact me by telephone before such expenses are incurred. However, I hereby request a fee waiver because the matter that is the subject of these records is part of an ongoing inquiry into the issuance of questionable visas to unqualified individuals, and, as such, the information contained in those documents is likely to contribute significantly to the public's understanding of the operations and activities of the Department of State. Additionally, I further request a fee waiver because I am a free-lance journalist who has had articles on national security issues published by a variety of organizations, both in the United States and abroad. This FOIA/PA Request will likely form the basis of another article or series of articles on similar themes.

Additionally, I ask for an expedited review of this request, and a decision on such to be made within 10 calendar days after receipt of this request.

If the Department of State or any other person or agency arbitrarily and capriciously withholds records requested in this letter, appropriate action against the individuals withholding documents

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sought will be taken, as set forth under the law. I require that you provide me with the names, titles, and positions of all government officials and/or private citizens involved in any withholding of records.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the Act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

If you have any questions regarding this request, please contact me by telephone. Thank you for your assistance. I will look forward to receiving your prompt reply in 20 business days or less, as the statute requires.

I hereby certify that the foregoing statements and information are true and correct to the best of my knowledge, information, and belief.

Sincerely yours,

J. Michael Springmann
Attorney & Counselor at Law

EXHIBIT 4



United States Department of State

Washington, D.C. 20520

AUG - 6 2010

Case Number: 201004149

New
Got 08/07/10
[Signature]

J. Michael Springmann, Esq.
Law Office of J. Michael Springmann PLLC
4619 Yuma Street, NW
Washington, DC 20016

Dear Mr. Springmann:

This is in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request, dated July 8, 2010, for copies of documents concerning visa application denials that were reversed by order of Mr. Jay Philip Freres.

We will begin the processing of your request based upon the information provided in your communication. We will notify you as soon as responsive material has been retrieved and reviewed.

We wish to advise you that the cut-off date for retrieving records is either the date you have given the Department by specifying a particular time frame, or the date the search initiated.

Fees

The Freedom of Information Act (FOIA) requires agencies to assess fees to recover the direct costs of processing requests, unless a fee waiver has been granted.

According to our regulations, by making a FOIA request, you have agreed to pay all applicable fees up to \$25 unless a fee waiver has been granted. You may specify a willingness to pay a greater amount. If the estimated fees exceed this limit, you will be notified.

☒ You have stated your willingness to pay the fees incurred in the

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Washington, DC 20522-8100
Website: www.foia.state.gov

Inquiries:
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E-mail: FOIAStatus@state.gov

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processing of this request up to \$25.00.

- ☐ Please let us know if you are willing to pay the fees that will be incurred in the processing of your request. You may set a limit of the maximum amount that you wish to pay. Please be advised that, without an agreement to pay fees, your request will be processed without cost up to the required first 2 hours of search time (for all other requester category only) and duplication of the first 100 pages (for all other, media, educational and non-commercial scientific requester categories).

We will notify you of the costs incurred in processing your request as soon as the search for, and review of, any responsive documents have been completed.

Based upon the information that you have provided, we have placed you in the requester category checked below. This request will be processed in accordance with the fee schedule designated for that category (see 22 C.F.R. 171, enclosed).

- ☐ **Commercial Use Requesters** – Requires us to assess charges that recover the full direct costs of searching for, reviewing for release, and duplicating the record(s) sought.
- ☐ **Educational Institution Requesters** – Requires us to assess charges that recover the cost of duplicating the record(s) sought only, after the first 100 pages of duplication.
- ☐ **Non-commercial Scientific Institution Requesters** – Requires us to assess charges that recover the cost of duplicating the record(s) sought only, after the first 100 pages of duplication.
- ☒ **Representatives of the News Media** – Requires us to assess charges that recover the cost of duplicating the record(s) sought only, after the first 100 pages of duplication.
- ☒ **All Other Requesters** – Requires us to assess charges that recover the full reasonable direct cost of searching for and duplicating the record(s) sought, after the first 100 pages of duplication, and the first two hours of search time.

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- ☐ You have indicated your inclusion in a category different than the one indicated above. Please forward the information requested on the enclosed sheet titled "Requester Categories" to substantiate your inclusion in a particular category of requester.

Fee Waiver

- ☐ Your request for a fee waiver has been granted; therefore, your request will be processed at no charge to you.
- ☒ Based upon the information provided in your letter, your request for a fee waiver has been denied. If you wish to appeal this decision, you may write to the Chief, Requester Liaison Division, at the address given on the bottom of this page. Your appeal should address the points listed in the enclosed sheet titled "Requests for Fee Waivers." Your appeal must be sent to us within 30 days from the date that you receive this letter.

Expedition

- ☐ After consideration of your request for expedited processing under the Department's rules governing Freedom of Information Act requests, we have determined that your request does warrant expedited processing.

Although we cannot promise that the processing of your request will be completed by a specific date, it will be processed ahead of all other requests now pending with the Department, except for those other requests already determined to warrant expedition.

- X ☒ Our published regulations regarding expedition, 22 C.F.R. 171.12(b), require a specific showing of a compelling need. Expeditious processing is granted only in the following situations: (1) imminent threat to the life or physical safety of an individual; (2) urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning actual or alleged Federal Government activity and the information is urgently needed in

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that a particular value of the information would be lost if not disseminated quickly; (3) substantial humanitarian reasons; and (4) loss of substantial due process rights. Your request does not meet any of the established criteria. Regrettably, I must advise that you have not provided adequate justification for expedition. However, you may be assured that we will make every effort to process your request in as timely a manner as possible. For your convenience, I have enclosed a copy of the Department's expeditious processing criteria.

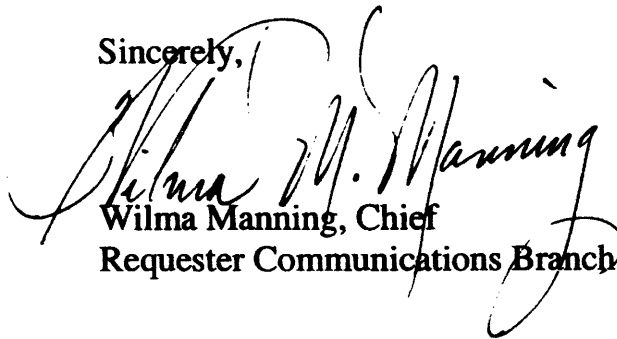
If you wish to appeal the denial of expedition, you may write to the Chief, Requester Liaison Division, at the address below, within 30 days of receipt of this letter.

While we will make every effort to meet the time limits cited in the FOIA (5 U.S.C. § 552), unusual circumstances may arise for extending the time limit (see enclosure). We appreciate your patience in this matter.

If you have any questions, please do not hesitate to contact us at the number or address below. We can provide faster service if you include the case number of your request in your communications with us.

We are pleased to be of service to you.

Sincerely,



Wilma Manning, Chief
Requester Communications Branch

Enclosures: As stated.

EXHIBIT 5

LAW OFFICE OF J. MICHAEL SPRINGMANN PLLC
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September 1, 2010

Chief, Requester Liaison Division
Office of Information Programs & Services
U.S. Department of State
SA-2
Washington, D.C. 20522-8100
BY FAX: (202) 261-8579 and FIRST-CLASS MAIL

**RE: Failure to Respond to Appeal of Denial of Expedited Processing--FOIA/PA Case
Number 201004149**

Dear Sir or Madam:

You are in violation of 22 CFR § 171.5, Appeals of Denials of Expedited Processing. According to that section, you have failed and refused to respond within 10 days of the date you received my appeal of Wilma Manning's denial of expedited processing, i.e., August 13, 2010. The last day for a response was August 23. Since today is September 1, 2010, you are now 9 days beyond the maximum permitted by rule.

When may I expect a response?

Sincerely yours,

J. Michael Springmann
Attorney & Counselor at Law

EXHIBIT 6

LAW OFFICE OF J. MICHAEL SPRINGMANN PLLC
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December 6, 2011

Office of Information Programs and Services
A/GIA/IPS/RL
U.S. Department of State
SA-2
Washington, D.C. 20522-8100
BY FAX: 202-261-8579 and 1st-Class Mail

RE: FOIA/PA Request--Case Number 201004149
Exhaustion of Administrative Remedies

Dear Sir or Madam:

PLEASE TAKE NOTE that I have exhausted all my administrative remedies in the above-captioned case. Despite a series of letters to the Department of State, to wit:

- August 2, 2010, Appeal of FOIA Denial
- August 13, 2010, Appeal of Classification Decision
- September 1, 2010, Failure to Respond to Appeal of Denial of Expedited Processing,

your agency has failed and refused to provide any responsive documents by December 6, 2011. More than a year is certainly sufficient time to produce easily-located records in an uncomplicated request.

Sincerely yours,

J. Michael Springmann
Attorney & Counselor at Law